

Art Unit: 1649

EXAMINER'S AMENDMENT

1. The remarks and amendments filed 23 October 2008 and 30 January 2009 have been entered. Claims 127 - 132 and 147 - 151 are pending and under examination.

Election/Restrictions

2. In the restriction requirement mailed 28 August 2003, the examiner had set forth a restriction between nucleic acid sequences encoding SEQ ID NO:2 and 29. These had been set forth as groups 5 and 6 respectively. Throughout prosecution, claims to nucleic acids encoding SEQ ID NO:2 and 29 had been examined. The claims as currently written encompass nucleic acids encoding either SEQ ID NO:2 or 29 (see for example claim 128). The examiner considers that the nucleic acids encoding SEQ ID NO:2 and SEQ ID NO:29 are not patentably distinct. Therefore, the restriction requirement between groups 5 and 6 is hereby withdrawn.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Amy DeCloux on 9 April 2009.

4. In the claims:

In claim 127, line 3 delete the phrase "nucleotide coding sequence which encodes" and replace with - - a sequence complementary to a nucleic acid sequence which encodes - - -

Claim 128 has been re-written as follows:

- - An expression vector comprising a nucleotide sequence which encodes a protein comprising an amino acid sequence selected from the group consisting of:

- i) the polypeptide of SEQ ID NO:2,
- ii) amino acids 1 - 171 fused to amino acids 975-1163 of SEQ ID NO:2, and
- iii) the polypeptide of SEQ ID NO:29. - - -

In claim 151, delete the word "method" and replace with - - nucleic acid - - -

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Status of Claims

5. Claims 127 - 132 and 147 - 151 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL KOLKER whose telephone number is (571)272-3181. The examiner can normally be reached on Mon - Fri 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on (571) 272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel E. Kolker/

Primary Examiner, Art Unit 1649

April 9, 2009